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Addressing			
From		To	
James Curtin/DC/USEPA/US		Tod Siegal/DC/USEPA/US@EPA	
CC		BCC	
Sarah Furtak/DC/USEPA/US@EPA Felicia Wright/DC/USEPA/US@EPA Michael Haire/DC/USEPA/US@EPA			
Description		Form Used: Reply	
Subject		Date/Time	
Re: Review requested by 2:30: Draft response to Kalispel		07/05/2012 12:40 PM	
# of Attachments	Total Bytes	NPM	Contributor
4	96,291		Sarah Furtak
Processing			
Comments			
X Tod's email needs to be redacted; The two "agenda" attachments can be released; The two "response" attachments are deliberative but there may not be harm in releasing. HR Agendas yes. The draft response turns on what went out as final. I think the final was very different from the redline response version below. Released in folder "Curtin_Siegal_7_5_12"			
<input type="text"/> Clear Category		<input type="text"/> Non-responsive	
Release-Redaction			
<input type="checkbox"/> Printed			

Body

Document Body

Thanks, Tod. Your suggestions are very good ones.

Can you incorporate them, Sarah?

James Curtin
Office of General Counsel
202.564.5482
Mail Code: 2355A
curtin.james@epa.gov

Tod Siegal	I took a quick look at the draft letter. My only tho...	07/05/2012 03:21:32 PM
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From: Tod Siegal/DC/USEPA/US
To: James Curtin/DC/USEPA/US@EPA

Cc: Sarah Furtak/DC/USEPA/US@EPA, Felicia Wright/DC/USEPA/US@EPA, Michael Haire/DC/USEPA/US@EPA, Ruth Chemerys/DC/USEPA/US@EPA, Lee Schroer/DC/USEPA/US@EPA
Date: 07/05/2012 03:21 PM
Subject: Re: Review requested by 2:30: Draft response to Kalispel

I took a quick look at the draft letter. My only thoughts relate to the way we address the Tribe's three questions on the second page of the letter. Purely as a matter of tone, I note that it may be a little off-putting to simply recite the questions back to the Tribe with a slight reformulation asking them what they mean by the questions. We already say in the prior paragraph that we're not agreeing to the assumptions in the questions but that we're happy to discuss them (and how they relate to EPA's action on this particular TMDL) at the meeting. That seems like enough. So I suggest deleting the three reformulated questions.

Also, if you do keep the current formulation, I note that for Question 3, "treatment-as-a-state" is pretty clearly the same thing as "treatment in the same manner as a state". CWA 518 in fact uses the term "Treatment as States", which is the Tribe's formulation in its letter. Although we typically use the "same manner" language, it is probably unnecessary to ask if the two formulations are the same. So I would delete the last part of the sentence. I have also given an alternative formulation below (and again, my initial instinct as noted above is to delete these three reformulated questions entirely).

Thanks.

For purposes of questions 1 and 2, and in the context of the Pend Oreille temperature TMDL, what does the Kalispel Tribe believe it means to say "EPA treats states and tribes with treatment-as-a-state status identically," ~~and is that the same as "treatment in the same manner as a state?"~~

For purposes of questions 1 and 2, and in the context of the Pend Oreille temperature TMDL, what does the Kalispel Tribe believe it means to say "EPA treats states and tribes with treatment-as-a-state status identically," (which we presume refers to tribes who have been approved for eligibility status under CWA section 518) ~~and is that the same as "treatment in the same manner as a state?"~~

James Curtin	Sarah - Here are my edits to both documents. L...	07/05/2012 01:38:20 PM
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From: James Curtin/DC/USEPA/US
To: Sarah Furtak/DC/USEPA/US@EPA
Cc: Felicia Wright/DC/USEPA/US@EPA, Michael Haire/DC/USEPA/US@EPA, Ruth Chemerys/DC/USEPA/US@EPA, Lee Schroer/DC/USEPA/US@EPA, Tod Siegal/DC/USEPA/US@EPA
Date: 07/05/2012 01:38 PM
Subject: Re: Review requested by 2:30: Draft response to Kalispel

Sarah - Here are my edits to both documents. Let me know if you have any questions. - Jim

Tod - Feel free to add anything you like to this letter and draft agenda for a meeting OW is having later this month with a tribe to hear what the tribe thinks about a Washington State TMDL and whether Region 10 should approve it. If you can get any edits to Sarah by mid-afternoon, she would appreciate it. She's trying to get it to the tribe today, if possible. Thanks. - Jim



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jul_5_2012_mark_up_kalispel_agenda_draft.jc.docx

James Curtin
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Sarah Furtak

deliberative draft Dear Jim & Felicia,

07/05/2012 11:33:14 AM

From: Sarah Furtak/DC/USEPA/US
To: James Curtin/DC/USEPA/US@EPA, Felicia Wright/DC/USEPA/US@EPA
Cc: Michael Haire/DC/USEPA/US@EPA, Ruth Chemerys/DC/USEPA/US@EPA
Date: 07/05/2012 11:33 AM
Subject: Review requested by 2:30: Draft response to Kalispel

deliberative draft

Dear Jim & Felicia,

Attached below, please find a draft, deliberative response to Kalispel Tribe's email/request of June 29.

I will plan to share this with my Acting Branch Chief this afternoon, and then share it with Region 10 for a very quick review this afternoon prior to responding to Kalispel Tribe.

Your input by 2:30 pm Eastern would be most helpful in track changes format.

Thanks,

Sarah
202 566 1167



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jul_5_2012_mark_up_kalispel_agenda_draft.docx
